

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

COMMERZBANK AG,

Plaintiff,

-against-

THE BANK OF NEW YORK MELLON, et
ano.,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 12/20/2019

15-CV-10029 (GBD) (BCM)

ORDER

BARBARA MOSES, United States Magistrate Judge.

Defendants' challenge to certain of plaintiff's privilege designations (Dkt. No. 167) is resolved as follows:

The documents logged at Entries 13, 14, 22, 345, and 743 were properly withheld or redacted. The email logged at Entry 285¹ should be produced in redacted form rather than withheld entirely. The cover email from "Matt" to "Vijay" is not privileged. However, plaintiff may redact, as privileged, all text below the dotted line on page 1, *except* for the heading "Recommendation," on page two, and the first bullet point under that heading.

Dated: New York, New York
December 20, 2019

SO ORDERED.



BARBARA MOSES
United States Magistrate Judge

¹ Defendants initially listed the challenged entry as No. 284, which is a Microsoft Outlook receipt. Counsel later agreed that the entry defendants intended to challenge was No. 285, which is an email chain among Commerzbank personnel concerning the retention of the law firm Gibbs & Bruns. *See* Dkt. No. 174, at 3 n.8.